

REMARKS/ARGUMENTS

Reconsideration of the present application is respectfully requested in light of the previous amendments and the following remarks, which are responsive to the Office Action mailed April 22, 2005.

In the specification, a description of Figures 4 and 5 have been added.

In the claims, independent claims 1, 21 and 38 have been amended to incorporate dependent claims 7, 14, 18, 27, 35, 36 and 43 and to further characterize the invention. Dependent claims 7, 14, 18, 27, 35, 36 and 43 have been canceled and withdrawn from consideration. Dependant claims 8, 9, 15, 16, 17, 19, 20, 28, 29, 44 and 45 have been amended to correctly reflect the independent claim from which they depend due to the cancellation of claims.

Claims 1-6, 8-13, 15-17, 19-26, 28-34, 37-42 and 43-45 remain in the application.

Drawings:

The Examiner has objected to the drawings on the basis of the representation of the Z bar in the drawings. Applicant submits herewith formal drawings. Additionally, Applicant points out that the Z bar as shown in Figure 2 is in fact referring to a bar with a Z shaped cross section. The Z bar extends along the bottom of the frame horizontally as means for holding the shutter against a structure.

Claims Rejected Under 35 U.S.C. § 112:

The Examiner has rejected claims 1-45 under 35 U.S.C. § 112 for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended independent claims 1, 21 and 37 to further clarify the subject matter which applicant regards as the invention.

Applicant has revised “material resistant to hurricane force winds” to state “a material resistant to hurricane force winds of approximately 150 miles per hour, and wherein said material and said shutter prevent hurricane force winds of approximately 150 miles per hour from damaging a window with wind force or debris being carried by

the wind.” This amendment further defines the resistance of the material and shutter. Applicant has amended “hurricane force winds” to specify “hurricane force winds of approximately 150 miles per hour.” Applicant has amended “said building” to clarify that applicant claims the subcombination. No new matter has been added to the application.

Claims Rejected Under 35 U.S.C. § 102(b):

The Examiner has rejected Claims 1, 2, 4, 5, 7, 8, 14, 18, 19, 21, 22, 24, 25, 27, 28, 35, and 36 under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 2,820,259 to *Zveibil*. Applicant respectfully disagrees on the basis that each and every element of Applicant’s claimed invention is not present in the *Zveibil* patent. The *Zveibil* patent does not contain each and every element of even the broadest claims of the Applicant’s invention and, therefore, does not anticipate Applicant’s invention under 35 U.S.C. § 102 (b).

Zveibil does not mention the ability of the shutter to withstand hurricane force winds. Because *Zveibil* does not disclose louvered shutters made out of material resistant to hurricane force winds or a shutter capable of providing protection against hurricane force winds, as claimed in Applicant’s independent claims 1, 21, and 38, *Zveibil* does not anticipate Applicant’s invention. *Zveibil* does not disclose each and every aspect of Applicant’s invention and cannot be said to anticipate Applicant’s invention.

Applicant is unaware of any bahama awning shutter with functional louvers that is capable of withstanding hurricane force winds of approximately 150 miles per hour without incorporation of either a lexan sheet or solid sheet of aluminum to reinforce the shutter. However, to more distinctly define the features of Applicant’s invention, independent Claims 1, 21 and 38 now define a wind speed that the shutter will endure. Claims 1, 21 and 38 also now define a material resistant to hurricane force wind as being a material resistant to hurricane force winds of 150 miles per hour, wherein the material and the shutter prevent hurricane force winds of approximately 150 miles per hour from damaging a window with wind force or debris being carried by the wind.

Claims Rejected Under 35 U.S.C. § 103(a):

The Examiner has rejected claims 3, 9, 15, 17, 23, 29, 38, 43 and 44 under 35 U.S.C. § 103(a) as being obvious over the *Zveibil* patent in further view of U.S. Patent 1,551,753 to Lane (hereinafter “*Lane*”). The Examiner has also rejected claims 6, 26, 10, 30, 31, 11, 32, 12, 33, 13, 34, 16, 37, 17, 20, 39, 40, 41, 42 and 45 as being obvious over the *Zveibil* patent in further view of various other patents. Applicant disagrees with these rejections. However, to more distinctly define these features, independent Claims 1, 21 and 38 have been amended define a wind speed that the shutter will withstand. Claims 1, 21 and 38 also now define a material resistant to hurricane force wind as being a material resistant to hurricane force winds of 150 miles per hour, wherein the material and shutter prevent hurricane force winds of approximately 150 miles per hour from damaging a window with wind force or debris being carried by the wind.

Claim 1 now also defines how the shutter is connectable above an external opening in a structure by at least one hinge, means for locking the louvers into a closed position, and means for holding the shutter against a window or an opening. Claim 21 now also defines means for locking the louvers into a closed position, means for holding the shutter apart from said structure, wherein the shutter is movable about the hinge. Claim 38 also now defines an upper horizontal member and a lower horizontal member, the upper horizontal member being connectable above an external opening in a structure by at least one hinge, wherein said shutter is movable about the hinge.

Whatever the references may teach, it is clear that they teach nothing about a bahama awning shutter with functional louvers that is capable of withstanding hurricane force winds of approximately 150 miles per hour. Accordingly, the combination of the references does not teach or suggest all of the limitations of independent claims, let alone the dependent claims. There is no indication or suggestion in the references that the combination of various references would result in a shutter that provides protection from hurricane force winds of approximately 150 miles per hour. Applicant is unaware of any bahama awning shutter with functional louvers that is capable of withstanding hurricane force winds of approximately 150 miles per hour without incorporation of either a lexan sheet or solid sheet of aluminum to reinforce the shutter. The shutter of the invention is

able to provide protection from hurricane force winds of approximately 150 miles per hour due to the combination of: (1) the use of a material resistant to hurricane force wind of approximately 150 miles per hour, wherein the material and shutter prevent hurricane force winds of approximately 150 miles per hour from damaging a window with wind force or debris being carried by the wind, (2) means for locking the louvers into a closed position, (3) means for holding the shutter against a window or an opening, and (4) connecting the shutter above or to the side of an external opening. The combination of these features is not taught or suggested in the references. Moreover, had the shutter of the invention been obvious, it would have previously been made, as its characteristics are highly desirable.

This amendment should be considered after final, since it places all claims in condition for allowance.

For the foregoing reasons, Applicant respectfully requests that the Examiner reconsider the application in light of the amendments and all claims in the subject application be permitted to proceed to allowance.

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Respectfully submitted,

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